

UNITED STATES OF AMERICA : Criminal No. 03-  
v. : 18 U.S.C. §§ 1341, 1708 & 2  
RYAN McCARTY : INFORMATION

The defendant having waived in open court prosecution by indictment, the United States Attorney for the District of New Jersey charges:

COUNT 1  
(Mail Fraud)

1. At all times relevant to this Information, defendant RYAN McCARTY was a resident of Sewell, New Jersey.

2. At all times relevant to this Information:

a. eBay, Inc. (“eBay”) was an Internet-based auction service used by individuals to buy and sell items such as collectibles, antiques, sports memorabilia, jewelry, videos, computers, electronic equipment, music concert tickets and sporting event tickets.

b. Sellers and buyers were required to register with eBay before conducting any business on the Internet auction site. At the time of registration, sellers and buyers were obliged to provide an electronic mail (“e-mail”) address or addresses in order that representatives of eBay and the other party to a sale could contact the registrant.

The Scheme to Defraud eBay Purchasers  
of Music Concert Tickets and Sporting Event Tickets

3. From on or about October 19, 2000 through on or about October 20, 2002, at Sewell, in the District of New Jersey, and elsewhere, defendant RYAN McCARTY devised and intended to devise a scheme and artifice to defraud eBay purchasers of music concert tickets and sporting event tickets and to obtain money and property of these individuals by means of material false and fraudulent pretenses, representations and promises, which scheme and artifice was in substance as

set forth in paragraphs 4 through 16 below.

4. On or about October 19, 2000, defendant RYAN McCARTY opened an eBay account with the username freeatlance.

5. From on or about March 23, 2001 through on or about April 26, 2001, defendant RYAN McCARTY, using the eBay account freeatlance, posted approximately 50 separate auction listings on eBay in each of which he offered for sale tickets to music concerts including those of N'Sync, U2, Bon Jovi, Eric Clapton, The Backstreet Boys, The Dave Matthews Band, The Eagles, and Ozzy Osbourne ("the music concert ticket auctions"). When posting these auction listings, defendant RYAN McCARTY concealed from potential bidders the fact that he did not possess and did not intend to deliver the music concert tickets that he was offering for sale.

6. During this same period, defendant RYAN McCARTY communicated with the winning bidders for the music concert ticket auctions and directed them to remit payment in advance of shipment of the music concert tickets. At the direction of defendant RYAN McCARTY, most of the winning bidders mailed to the defendant's home address checks and money orders made payable to defendant RYAN McCARTY.

7. By on or about May 2, 2001, defendant RYAN McCARTY had received advanced payment in the form of checks and money orders from approximately 35 of the winning bidders on the music concert ticket auctions. Thereafter, defendant RYAN McCARTY endorsed these checks and money orders and caused them to be cashed or deposited into a personal bank account.

8. When defendant RYAN McCARTY failed to deliver any of the music concert tickets to winning bidders who remitted advance payment, these winning bidders began to contact him via e-mail to complain. In responsive e-mails, from on or about March 30, 2001 through on or about May 15, 2001, defendant RYAN McCARTY falsely and fraudulently advised that he had mailed the music concert tickets but that they must have been lost or stolen in transit.

9. Defendant RYAN McCARTY never delivered any of the music concert tickets to the winning bidders of the music concert ticket auctions who remitted payment to him. Furthermore,

he never provided refunds to any of these winning bidders .

10. In or about early September 2002, defendant RYAN McCARTY opened eBay accounts with the usernames ticketinsider, besttickets2002, and tickets12000.

11. From on or about September 19, 2002 through on or about September 25, 2002, defendant RYAN McCARTY, using the eBay accounts ticketinsider, besttickets2002, and tickets12000, posted approximately 24 separate auction listings on eBay in each of which he offered for sale tickets to music concerts including those of Phish, Bruce Springsteen, The Rolling Stones, Paul McCartney, Elton John, and Billy Joel, and tickets to sporting events including tickets to the Superbowl and other professional football games as well as season tickets to the Sacramento Kings, the Los Angeles Lakers, and the Maryland Terrapins (“the music concert and sporting event ticket auctions”). When posting these auction listings, defendant RYAN McCARTY concealed from potential bidders the fact that he did not possess and did not intend to deliver the music concert and sporting event tickets that he was offering for sale.

12. During this same period, defendant RYAN McCARTY communicated with the winning bidders for the music concert and sporting event ticket auctions and directed them to remit payment in advance of shipment of the music concert and sporting event tickets. At the direction of defendant RYAN McCARTY, most of the winning bidders mailed to the defendant’s home address checks and money orders made payable to defendant RYAN McCARTY.

13. By on or about September 30, 2002, defendant RYAN McCARTY had received advanced payment in the form of checks and money orders from approximately 19 of the winning bidders on the music concert and sporting event ticket auctions. Thereafter, defendant RYAN McCARTY endorsed these checks and money orders and caused them to be cashed or deposited into a personal bank account.

14. When defendant RYAN McCARTY failed to deliver any of the music concert or sporting event tickets to winning bidders who remitted advance payment, these winning bidders began to contact him via e-mail to complain. In responsive e-mails, from on or about September 25,

2002 through on or about October 20, 2002, defendant RYAN McCARTY falsely and fraudulently advised that he had mailed the music concert and sporting event tickets but that they must have been lost or stolen in transit.

15. Defendant RYAN McCARTY never delivered any of the music concert or sporting event tickets to the winning bidders of the music concert and sporting event ticket auctions who remitted payment to him. Furthermore, he never provided refunds to any of these winning bidders.

16. In all, by the above means, defendant RYAN McCARTY defrauded winning bidders on the music concert ticket auctions and the music concert and sporting event ticket auctions of a total of approximately \$41,804.

17. On or about September 24, 2002, for the purpose of executing said scheme and artifice, at Sewell, in the District of New Jersey, and elsewhere, defendant

RYAN McCARTY

knowingly and wilfully caused D.C. to place in a post office or an authorized depository for mail matter, to be sent and delivered by the U.S. Postal Service, an envelope addressed to the home address of defendant RYAN McCARTY which contained a check in the amount of \$1,000 made payable to defendant McCARTY in payment for Paul McCartney concert tickets.

In violation of Title 18, United States Code, Sections 1341 and 2.

COUNT 2  
(Theft of Mail)

1. The allegation set forth in paragraph 1 of Count 1 of this Information is realleged as if set forth herein at length.

2. From on or about November 14, 2002 through on or about May 8, 2003, defendant RYAN McCARTY periodically stole letters containing personal checks from private, residential mailboxes in Cherry Hill, Franklinville, Paulsboro, Mays Landing, West Deptford, and Williamstown that had been left by the homeowners for collection by a postal carrier.

3. During this same period, defendant RYAN McCARTY fraudulently endorsed the stolen checks, deposited them into personal bank accounts, and withdrew the money from these accounts to pay personal expenses.

4. In all, by the above means, defendant RYAN McCARTY caused a loss to his victims of approximately \$53,319.

5. On or about May 3, 2003, at Cherry Hill, in the District of New Jersey, and elsewhere, defendant

RYAN McCARTY

did knowingly and wilfully steal and take a letter containing a personal check from and out of a letter box.

In violation of Title 18, United States Code, Sections 1708 and 2.

## FORFEITURE ALLEGATION

1. The allegations set forth in Count 1 of this Information are hereby realleged and by this reference fully incorporated herein for the purpose of alleging forfeiture to the United States.

2. As the result of committing the mail fraud offense in violation of Title 18, United States Code, Section 1341, alleged in Count 1 of this Information, defendant RYAN McCARTY shall forfeit to the United States pursuant to the provisions of Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense, including but not limited to the following:

a 1999 Dodge Durango, 4-door, which was purchased on or about October 7, 2002 for \$18,162, bearing New Jersey State License NLC19T and Vehicle Identification Number 1B4HS28Y8XF690443

3. If, as a result of any act or omission of defendant RYAN McCARTY, any of the property described in paragraph 2 of the above forfeiture allegation:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property that cannot be divided without difficulty,

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of defendant RYAN McCARTY up to the value of the above forfeitable property.

In violation of Title 18, United States Code, Sections 981, and Title 28, United States Code,  
Section 2461.

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CHRISTOPHER J. CHRISTIE  
United States Attorney